

## **REMARKS**

The Examiner is thanked for the careful review of this application.

Claims 24-46 are pending in the present application. In the above amendments, claims 36-39 have been amended. The Applicant believes that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

### ***Statement of the Substance of the Interview***

The Applicant thanks the Examiner for the Examiner's time during the telephonic interview. Further to the interview, the Applicant has amended the computer-readable medium claims 36-39 to be directed to a "non-transitory" medium and has provided specific support for the means-plus-function claims below.

### ***Rejection under 35 U.S.C. § 101***

Claims 36-39 stand rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. By the present Amendment, the computer-readable medium claims 36-39 are directed to a "non-transitory" medium, which is statutory in accordance with current USPTO guidelines. Accordingly, withdrawal of this rejection is respectfully requested.

### ***Rejection under 35 U.S.C. § 112, 6th Paragraph***

Claims 32-35 stand rejected under 35 U.S.C. § 112, 6<sup>th</sup> Paragraph for allegedly lacking support in the Specification for corresponding structure of the claimed "means" features. The Applicants respectfully traverse this rejection.

In the telephonic interview discussed above, the Office indicated that this rejection would be overcome if the Applicant described the specific support for the "means" features within

claims 32-35. The apparatus of claim 32 reads generally upon the credential server 108 or 700 as shown in FIG. 7, in an example, and alternatively can read upon the credential server 108 or 900 as shown in FIG. 9. The claimed “means for receiving” at least reads upon wired or wireless receiver circuitry that is present in FIGS. 7 and 9 by implication of the arrows denoted as 410 in FIG. 7 and/or 212 in FIG. 9. As is well established, descriptive matter may be inherently present in a specification if one skilled in the art would necessarily recognize such a disclosure. *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991). Transmitting and receiving functions are well known and inherent features of servers and/or wireless devices. The claimed “means for generating” reads at least upon a processor that is implicitly or inherently a part of the credential server. Support can be found, for example, in the drawings, 108 of FIGS. 7 and/or 9, and in the specification “any of the described elements may comprise a CPU, processor, gate array, hardware logic, memory, software, or any combination of hardware and software” (e.g., see [0073] of the published specification, Emphasis added). The claimed “means for transmitting” at least reads upon wired or wireless transmission circuitry that is present in FIGS. 7 and 9 by implication of the arrows denoted as 704 in FIG. 7 and/or 606, 902 and 414 in FIG. 9. In claim 35, the claimed “means for receiving”, “means for matching” and “means for transmitting” are at least supported via the same manner as the “means for receiving”, “means for generating” and “means for transmitting”, respectively, as discussed above with respect to independent claim 32.

Descriptive matter may be inherently present in a specification if one skilled in the art would necessarily recognize such a disclosure. *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991). (see, also, MPEP

In view of the above-remarks, the Applicant respectfully requests withdrawal of this rejection.

### CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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